

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **12/18/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Willing**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - med. assist.  
Insurance - health**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **Sue.Jablonsky@Wisconsin.gov**

---

### **Pre Topic:**

DOA:.....Willing, BB0276 -

---

### **Topic:**

HIRSP/Benchmark Plan eligibility

---

### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 12/18/2008	kfollett 12/19/2008		_____			
/1			rschluet 12/19/2008	_____	mbarman 12/19/2008		
/2	pkahler 01/13/2009	jdyer 01/14/2009	jfrantze 01/14/2009	_____	mbarman 01/14/2009		State
/3	pkahler	jdyer	jfrantze	_____	cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/14/2009	01/14/2009	01/14/2009	_____	01/14/2009		

FE Sent For:

<END>

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/?	pkahler 12/18/2008	kfollett 12/19/2008					
/1		<i>3 1/4 jld</i>	rschluet 12/19/2008		mbarman 12/19/2008		
/2	pkahler 01/13/2009	jdye 01/14/2009	jfrantze 01/14/2009		mbarman 01/14/2009		

*J. J. 1/14* *J. R. 1/14*

FE Sent For:

**<END>**

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Carbon copy (CC:) to: Sue.Jablonsky@Wisconsin.gov

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DOA:.....Willing, BB0276 -

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Topic:

HIRSP/ADAP/MA eligibility

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Instructions:

See attached

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Drafting History:

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/?	pkahler 12/18/2008	kfollett 12/19/2008					
/1		1/2 1/4 jld	rschluet 12/19/2008		mbarman 12/19/2008		

FE Sent For:

1/14  
<END>

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For: Administration-Budget

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May Contact:

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Extra Copies:

Submit via email: YES

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Pre Topic:

DOA:.....Willing, BB0276 -


Topic:

HIRSP/ADAP/MA eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler			==			

FE Sent For:

<END>

*normally this would be NO  
but I want Sue to get an e-mail, too  
(as well as Krista -  
Willing  
or whoever the  
drafts go to at  
DOA*

PSK

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: HIRSP/ADAP/Medicaid Eligibility
- Tracking Code: BB0276
- SBO team: Health and Insurance
- SBO analyst: Krista Willing
  - Phone: 267-7980
  - Email: krista.willing@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

### Intent:

Ensure that members eligible for the BadgerCare Plus Benchmark Plan and BadgerCare Plus Childless Adults core plan have the option to enroll in the HIV/AIDS HIRSP pilot program or HIRSP plan in they so choose. Current language is unclear.

I have attached a paper from the department regarding this. We have modified the request to include members of the BadgerCare Plus Benchmark Plan as well as Childless Adults.

## HIV/AIDS HIRSP Pilot Eligibility

### Decision Needed

Should the Department request a modification of current language governing the HIV/AIDS HIRSP pilot program to ensure that individuals who are eligible for the BadgerCare Plus/Childless Adults program are not excluded from the pilot or from HIRSP?

### Background

The Department reimburses individuals with incomes at or below 300% of poverty who have been certified by a physician to be HIV positive for HIV/AIDS-related drug therapies. The Department may also purchase health insurance for these individuals if they have lost health insurance which they originally obtained through their workplace because their illness prevented them from working.

The 2007-09 biennial budget authorized an expansion of eligibility for the insurance program by creating the Health Insurance Risk-Sharing Plan (HIRSP) pilot program. The pilot program expands eligibility for the HIV/AIDS insurance premium program to individuals who have not had health insurance through a workplace and who were, therefore, previously not eligible. Under the pilot, the Department is authorized to pay HIRSP premiums for these individuals.

The Department also is in the process of implementing the BadgerCare Plus/Childless Adults program, which allows individuals who do not have minor children living in the home and who have incomes below 200% FPL to enroll in Medicaid and receive a core benefit package.

The Department would like to ensure that individuals cannot be excluded from the HIRSP pilot (and by extension the HIRSP program) because of their eligibility for Childless Adults.

### Current Language

Section 49.686 (6) allows individuals to enroll in the HIRSP pilot if, among other conditions, they do not have "health insurance" coverage. The Department does not consider Medical Assistance to be "health insurance" as it is defined in the statutes; however, it would be preferable to include language that makes that clear for Childless Adults enrollees.

### Proposed Change

To ensure that Childless Adults enrollees are not excluded from the HIRSP pilot, current language could be amended to state that individuals who satisfy the requirements for the pilot program shall



not be excluded from participation in the pilot program if they are eligible for benefits under Childless Adults.

**Desired Effective Date:** Upon passage of the Biennial Budget  
**Agency:** DHS  
**Agency Contact:** Ellen Hadidian  
**Phone:** 267-5147



State of Wisconsin  
2009 - 2010 LEGISLATURE

1210/1  
LRB-06701

JLDPJK:ldrs

5/12/10 JF

DOA:.....Jablonsky, BB0198 - Eligibility of childless adults for HIRSP  
HIV/AIDS program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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D-vote

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gen cat

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Insert A →  
MA ← Under current law, DHS is required to conduct a program (childless adult program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for the Medical Assistance program or Medicare.

Also under current law, DHS administers a program under which DHS reimburses eligible individuals who have a human immunodeficiency virus (HIV) infection for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. In addition, DHS is required to conduct a three-year pilot program under which DHS may pay premiums for coverage under the Health Insurance Risk-Sharing Plan (HIRSP), and copayments under HIRSP for drugs eligible for reimbursement under the AZT-reimbursement program, for up to 100 individuals at any given time who are eligible for the AZT-reimbursement program and who do not have health insurance coverage. HIRSP is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been

refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.

This bill provides that persons with coverage under the childless adult program are not ineligible, by reason of that coverage, for the pilot program under which DHS may pay premiums and drug copayments under HIRSP for persons with HIV. The bill also makes that pilot program a permanent program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 49.686 (6) (title) of the statutes is amended to read:

49.686 (6) (title) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM  
COVERAGE.

SECTION 2. 49.686 (6) (a) (intro.) of the statutes is amended to read:

49.686 (6) (a) (intro.) Subject to par. (b), the department shall conduct a 3-year pilot program, to begin on January 1, 2008, under which the department may pay premiums for coverage under the Health Insurance Risk-Sharing Plan under subch. II of ch. 149, and pay copayments under that plan for prescription drugs for which reimbursement may be provided under sub. (2), for individuals who satisfy all of the following:

SECTION 3. 49.686 (6) (am) of the statutes is created to read:

49.686 (6) (am) Notwithstanding par. (a) 1. and 3. and sub. (3) (d), an individual who is receiving benefits under the childless adult program described in s. 49.45 (23) is not ineligible for the pilot program under this subsection solely by reason of being eligible for and receiving those benefits.

SECTION 4. 49.686 (6) (b) of the statutes is amended to read:

*Badger Care Plus under s. 49.471 (11) or under*

49.686 (6) (b) The pilot program shall be open to a minimum of 100 participants at any given time, with more participants if the department determines that it is cost-effective.

**SECTION 5.** 49.686 (6) (c) of the statutes is amended to read:

49.686 **(6) (c)** The department may promulgate rules for the administration of the pilot program. Notwithstanding s. 227.24 (3), rules under this paragraph may be promulgated as emergency rules under s. 227.24 without a finding of emergency.

(END)

D-Note

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1210/ins  
PJK:.....

**INSERT A**

BadgerCare Plus (BC+) is a Medical Assistance (MA) program, administered by DHS, that provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan provides the same benefits that are provided under regular MA. The second plan, called the Benchmark Plan, provides specified benefits to individuals whose family incomes, generally, are higher than the family incomes of individuals who are eligible for the first plan.

**(END OF INSERT A)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1210/2dn

PJK:...

*Date*

Krista:

This request is the same as one that I drafted for Sue Jablonsky, except that persons with coverage under BadgerCare Plus under the Benchmark Plan weren't included in that draft. In addition, in that draft, the pilot program was made permanent. The LRB number of Sue's draft is LRB-0670/1. ✓

I notwithstanding s. 49.686 (3) (d) and (6) (a) 1., because persons with coverage under BadgerCare Plus or the childless adults program would not be eligible for coverage under the program under s. 49.686 because they are receiving MA. In addition, they would actually have to be receiving coverage under BadgerCare Plus or the childless adults program (rather than just being eligible for coverage) because otherwise they could satisfy the requirement that they do not have health insurance coverage (eligible for but do not have).

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1210/1dn  
PJK:kjf:rs

December 19, 2008

Krista:

This request is the same as one that I drafted for Sue Jablonsky, except that persons with coverage under BadgerCare Plus under the Benchmark Plan weren't included in that draft. In addition, in that draft, the pilot program was made permanent. The LRB number of Sue's draft is LRB-0670/1.

I notwithstanding s. 49.686 (3) (d) and (6) (a) 1., because persons with coverage under BadgerCare Plus or the childless adults program would not be eligible for coverage under the program under s. 49.686 because they are receiving MA. In addition, they would actually have to be receiving coverage under BadgerCare Plus or the childless adults program (rather than just being eligible for coverage) because otherwise they could satisfy the requirement that they do not have health insurance coverage (eligible for but do not have).

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1-13

Kirsta Weiling  
(DOA)

for LRB-1210,

modify draft to make sure

that persons eligible for

s. 49.471 (11) ← Badger Care Plus Benchmark Plan,

s. 49.45(23) ← MA childless adults program,

s. 49.686 ← and HIV drug reimbursement

program are not ineligible

for HIRSP





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1210/2

PJK:ld&kjfrs

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DOA:.....Willing, BB0276 - HIRSP/ADAP/MA eligibility

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

BadgerCare Plus (BC+) is a Medical Assistance (MA) program, administered by DHS, that provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan provides the same benefits that are provided under regular MA. The second plan, called the Benchmark Plan, provides specified benefits to individuals whose family incomes, generally, are higher than the family incomes of individuals who are eligible for the first plan.

Under current law, DHS is required to conduct a program (childless adults program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for MA or Medicare.

Also under current law, DHS administers a program under which DHS reimburses eligible individuals who have a human immunodeficiency virus (HIV) infection for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. In addition, DHS is required to conduct a three-year pilot program under which DHS may pay premiums for coverage under the Health Insurance Risk-Sharing Plan (HIRSP), and copayments under HIRSP for drugs eligible for reimbursement under the AZT-reimbursement program, for up to 100 individuals

who are eligible for the AZT-reimbursement program and who do not have health insurance coverage. HIRSP is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.

This bill provides that persons with coverage under the Benchmark Plan under BC+ or under the childless adults program are not ineligible, by reason of that coverage, for the pilot program under which DHS may pay premiums and drug copayments under HIRSP for persons with HIV.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 49.686 (6) (am) of the statutes is created to read:

49.686 (6) (am) Notwithstanding par. (a) 1. and 3. and sub. (3) (d), an individual who is receiving benefits under BadgerCare Plus under s. 49.471 (11) or under the childless adults program described in s. 49.45 (23) is not ineligible for the pilot program under this subsection solely by reason of being eligible for and receiving those benefits.

(END)

Insert 2-b

d-note  
↓

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1210/2ins  
PJK:.....

**INSERT A**

**OTHER HEALTH AND HUMAN SERVICES**

BadgerCare Plus (BC+) is a Medical Assistance (MA) program, administered by DHS, that provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan provides the same benefits that are provided under regular MA. The second plan, called the Benchmark Plan, provides specified benefits to individuals whose family incomes, generally, are higher than the family incomes of individuals who are eligible for the first plan.

The Health Insurance Risk-Sharing Plan (HIRSP) under current law is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions. With a number of exceptions for different types of MA coverage, persons who are eligible for MA are not eligible for coverage under HIRSP.

This bill provides that persons who are eligible for coverage under the Benchmark Plan under BC+ are not for that reason ineligible for HIRSP.

(END OF INSERT A)

**INSERT 2-6**

- 1           **SECTION 1.** 149.12 (2) (f) 2. h. of the statutes is created to read:
- 2           149.12 (2) (f) 2. h. Benefits under BadgerCare Plus under s. 49.471 (11).

(END OF INSERT 2-6)

a human immunodeficiency virus (HIV)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1210/2dn

PJK:.....

date

jld

Krista:

This draft now provides that persons who are eligible for Benchmark<sup>✓</sup> are not ineligible for HIRSP. Persons eligible for the childless adults program are already taken care of in s. 149.12 (2) (f) 2. g. Person reimbursed under s. 49.686 or in the pilot program under s. 49.686 (6)<sup>✓</sup> are already taken care of in s. 149.12 (3) (b)<sup>✓</sup> and (c)<sup>✓</sup>.

DHS<sup>✓</sup> seemed to be concerned about persons eligible for the childless adults program being ineligible for the pilot program under s. 49.686 (6) on the basis of the childless adults program being considered health insurance<sup>✓</sup>. They seemed to overlook, however, that, since the childless adults program is MA<sup>✓</sup>, a person receiving benefits under that program would not satisfy other criteria necessary for the pilot program under s. 49.686 (6), such as being eligible for reimbursement under s. 49.686<sup>✓</sup> because they have applied for coverage under and been denied eligibility for MA<sup>✓</sup> within 12<sup>✓</sup> months prior to application for reimbursement under s. 49.686. If DHS wants to make sure that persons who are eligible for benefits under the childless adults program (regardless of whether they are receiving those benefits) are eligible for the pilot program under s. 49.686 (6)<sup>✓</sup>, those persons could specifically be made eligible, separate from the eligibility criteria that exists now in current law. Perhaps they also would like to change s. 49.686 (6) (a) 3.<sup>✓</sup> to say "The individual *is not eligible for* health insurance coverage."

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E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1210/2dn  
PJK:jld:jf

January 14, 2009

Krista:

This draft now provides that persons who are eligible for Benchmark are not ineligible for HIRSP. Persons eligible for the childless adults program are already taken care of in s. 149.12 (2) (f) 2. g. Person reimbursed under s. 49.686 or in the pilot program under s. 49.686 (6) are already taken care of in s. 149.12 (3) (b) and (c).

DHS seemed to be concerned about persons eligible for the childless adults program being ineligible for the pilot program under s. 49.686 (6) on the basis of the childless adults program being considered health insurance. They seemed to overlook, however, that, since the childless adults program is MA, a person receiving benefits under that program would not satisfy other criteria necessary for the pilot program under s. 49.686 (6), such as being eligible for reimbursement under s. 49.686 because they have applied for coverage under and been denied eligibility for MA within 12 months prior to application for reimbursement under s. 49.686. If DHS wants to make sure that persons who are eligible for benefits under the childless adults program (regardless of whether they are receiving those benefits) are eligible for the pilot program under s. 49.686 (6), those persons could specifically be made eligible, separate from the eligibility criteria that exists now in current law. Perhaps they also would like to change s. 49.686 (6) (a) 3. to say "The individual *is not eligible* for health insurance coverage."

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1-14

conference call w/ Krista Willing & DITS staff  
for 1210

need to carve out Benchmark and  
childless adults from  
requirement re ineligible for MA  
under s. 49.686

(w/less than eligible for 49.686)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1210/23

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DOA:.....Willing, BB0276 - HIRSP/Benchmark Plan eligibility

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

BadgerCare Plus<sup>✓</sup> (BC+) is a Medical Assistance (MA) program, administered by DHS, that provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan provides the same benefits that are provided under regular MA. The second plan, called the Benchmark Plan, provides specified benefits to individuals whose family incomes, generally, are higher than the family incomes of individuals who are eligible for the first plan.

The Health Insurance Risk-Sharing Plan (HIRSP) under current law<sup>✓</sup> is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for a human immunodeficiency virus (HIV), and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions. With a number of exceptions for different types of MA coverage, persons who are eligible for MA are not eligible for coverage under HIRSP. ✓

Insert A-1

individuals ✓

This bill provides that persons who are eligible for coverage under the Benchmark Plan under BC+ are not for that reason ineligible for HIRSP. *insert A-2* ✓

*FE-S* ✓  
**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 1 **SECTION 1.** 149.12 (2) (f) 2. h. of the statutes is created to read:
- 2 149.12 (2) (f) 2. h. Benefits under BadgerCare Plus under s. 49.471 (11).
- 3 (END)

*Insert 2-1* ✓

D-note

For  
For the exceptions under s. 49.686 (3)(d),  
49.686  
eligible  
I provided that the individuals eligible for (not  
necessarily receiving benefits under)  
Benchmark ~~Program~~ or the childless adults  
Program. OK?

PJK



**2009-2010 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1210/3ins  
PJK:.....

**INSERT A-1**

4+ Under current law, DHS is required to conduct a program (childless adults program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for MA or Medicare.

4+ Also under current law, DHS administers a program under which DHS reimburses eligible individuals who have a human immunodeficiency virus (HIV) infection for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. One of the eligibility criteria is that an individual must have applied for coverage under and been denied eligibility for MA within 12 months before applying for reimbursement.

(END OF INSERT A-1)

**INSERT A-2**

4+ Current law already provides that individuals who are eligible for the childless adults program are not for that reason ineligible for HIRSP. The bill also provides that the requirement under the HIV drug reimbursement program, that to be eligible for that program an individual must have applied for coverage under and been denied eligibility for MA within 12 months before applying for reimbursement, does not apply to individuals who are eligible for the childless adults program or the Benchmark Plan under BadgerCare Plus.

(END OF INSERT A-2)

BC+  
==  
plus sign

**INSERT 2-1**

- 1           **SECTION 1.** 49.686 (3) (d) of the statutes is amended to read:
- 2           49.686 (3) (d) Has applied for coverage under and has been denied eligibility
- 3           for medical assistance within 12 months prior to application for reimbursement
- 4           under sub. (2). This paragraph does not apply to an individual who is eligible for
- 5           benefits under the demonstration project for childless adults under s. 49.45 (23) or
- 6           to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471
- 7           (11).

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3061 to 3062d; Stats. 1995 s. 49.686; 1997 a. 27; 2001 a. 81; 2007 a. 20, 89.

(END OF INSERT 2-1)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1210/3dn  
PJK:jld:jf

January 14, 2009

For the exceptions under s. 49.686 (3) (d), I provided that the individual's eligible for (not necessarily receiving benefits under) Benchmark or the Childless Adults Program. OK?

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1210/3  
PJK:jld&kjf:jf

DOA:.....Willing, BB0276 - HIRSP/Benchmark Plan eligibility  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

BadgerCare Plus (BC+) is a Medical Assistance (MA) program, administered by DHS, that provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan provides the same benefits that are provided under regular MA. The second plan, called the Benchmark Plan, provides specified benefits to individuals whose family incomes, generally, are higher than the family incomes of individuals who are eligible for the first plan.

Under current law, DHS is required to conduct a program (childless adults program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for MA or Medicare.

Also under current law, DHS administers a program under which DHS reimburses eligible individuals who have a human immunodeficiency virus (HIV) infection for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. One of the eligibility criteria is that an individual must have applied for coverage under and been denied eligibility for MA within 12 months before applying for reimbursement.

The Health Insurance Risk-Sharing Plan (HIRSP) under current law is, generally, a health insurance program administered by the HIRSP Authority that

provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions. With a number of exceptions for different types of MA coverage, persons who are eligible for MA are not eligible for coverage under HIRSP.

This bill provides that individuals who are eligible for coverage under the Benchmark Plan under BC+ are not for that reason ineligible for HIRSP. Current law already provides that individuals who are eligible for the childless adults program are not for that reason ineligible for HIRSP. The bill also provides that the requirement under the HIV drug reimbursement program, that to be eligible for that program an individual must have applied for coverage under and been denied eligibility for MA within 12 months before applying for reimbursement, does not apply to individuals who are eligible for the childless adults program or the Benchmark Plan under BC+.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 49.686 (3) (d) of the statutes is amended to read:

49.686 (3) (d) Has applied for coverage under and has been denied eligibility for medical assistance within 12 months prior to application for reimbursement under sub. (2). This paragraph does not apply to an individual who is eligible for benefits under the demonstration project for childless adults under s. 49.45 (23) or to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471 (11).

**SECTION 2.** 149.12 (2) (f) 2. h. of the statutes is created to read:

**149.12 (2) (f) 2. h. Benefits under BadgerCare Plus under s. 49.471 (11).**

**(END)**